

The Virginia Board of Physical Therapy convened for a full board meeting on Thursday, August 16, 2018 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room #3, Henrico, Virginia.

BOARD MEMBERS PRESENT:

Allen R. Jones, Jr., PT, DPT, President
Arkena L. Dailey, PT, DPT, Vice-President
Tracey Adler, PT, DPT
Elizabeth Locke, PT, PhD
Mira H. Mariano, PT, PhD
Susan Palmer, MLS
Sarah Schmidt, PTA, MPH

DHP STAFF PRESENT FOR ALL OR PART OF THE MEETING:

Barbara Allison-Bryan, MD, DHP Chief Deputy Director
Erin Barrett, Assistant Attorney General, Board Counsel
David Brown, DC, DHP Director
Sarah Georgen, Licensing and Operations Manager
Lynne Helmick, Deputy Director
Corie Tillman Wolf, Executive Director
Elaine Yeatts, Sr. Policy Analyst

GUESTS PRESENT

Joshua Bailey, PT, DPT, Virginia Physical Therapy Association
Richard Grossman, Virginia Physical Therapy Association

CALL TO ORDER

Dr. Jones called the meeting to order at 10:15 a.m. and asked the Board members and staff to introduce themselves.

With seven members present at the meeting, a quorum was established.

Dr. Jones read the mission of the Board, which is also the mission of the Department of Health Professions.

Dr. Jones provided reminders to the Board members and audience regarding microphones, sign in sheets, computer agenda materials, and breaks.

Ms. Tillman Wolf then read the emergency egress instructions.

APPROVAL OF MINTUES

Upon a **MOTION** by Ms. Schmidt, and properly seconded by Dr. Dailey, the Board voted to accept the following meeting minutes:

- Board Meeting – May 1, 2018
- Telephonic Conference Call – March 2, 2018

The motion passed unanimously.

ORDERING OF THE AGENDA

Ms. Tillman Wolf requested to add Dr. Dailey to the Reports from FSBPT Leadership Issues Forum.

Upon a **MOTION** by Ms. Schmidt and properly seconded by Ms. Palmer, the Board voted to accept the agenda as written with the notations from Ms. Tillman Wolf. The motion passed unanimously.

PUBLIC COMMENT

There was no public comment.

AGENCY REPORT

Dr. Brown noted that preparation for the legislative session of the upcoming General Assembly in 2019 begins in August with the agency presenting bills for consideration. Dr. Brown stated that the Physical Therapy Compact Licensure bill will be high priority. Dr. Brown noted several other bills from past sessions that were moving forward and being reviewed by workgroups.

Dr. Brown also stated that he is looking into furthering Board member education on a variety of topics. Rather than one yearly Board member training, he is asking Boards to incorporate training sessions into Board meetings throughout the year, which would allow for regularly scheduled times for board members to receive training topics, including confidentiality, probable cause reviews, and FOIA.

Dr. Allison-Bryan announced an initiative to review the safety measures of the building to ensure the safety of employees, board members and the public. She noted some changes can already be seen, including a change to the reception desk on the first floor to allow for quicker egress and a sign-in and sign-out policy. She and Lisa Hahn are working with the Virginia State Police and the Henrico Police Department's Crime Prevention Through Environmental Design Unit (CPTED) to thoroughly review the building and safety measures. Dr. Allison-Bryan stated that more information would be provided at the next meeting.

With no further questions, Dr. Brown and Dr. Allison-Bryan concluded their reports.

STAFF REPORTS

Executive Director's Report – Corie E. Tillman Wolf, J.D.

Ms. Tillman Wolf congratulated the Board on receiving the FSBPT's Excellence in Regulation Award for 2018. She noted that the FSBPT will present the award at the October Annual meeting.

Ms. Tillman Wolf presented the Expenditure and Revenue Summary as of May 31, 2018.

Cash Balance as of June 30, 2017	\$1,457,317
YTD FY18 Revenue	\$199,705
Less YTD Direct & In-Direct Expenditures	\$555,402
Cash Balance as of June 30, 2018	\$1,101,620

Ms. Tillman Wolf provided FSBPT updates from the June 8-10, 2018 Regulatory Training in Alexandria, VA attended by Dr. Locke and Dr. Mariano. She also provided updates from the Leadership Issues Forum attended by Ms. Tillman Wolf, Dr. Jones, and Dr. Dailey on July 14-15, 2018.

Ms. Tillman Wolf announced the next FSBPT Annual Meeting will be held on October 25-27, 2018. She noted that Dr. Dailey was a candidate for the FSBPT Board of Directors.

Ms. Tillman Wolf provided the Board with updates regarding the status of the PT Compact adoption in other jurisdictions. She also provided updates regarding aPTitude and oPTions offered through the FSBPT.

Ms. Tillman Wolf announced that the FSBPT has a new resource on their website to assist foreign educated applicants through the application process.

Ms. Tillman Wolf announced the progress made on the 2018 planning completed by the Board members and Board staff to include the completion of the updated Sanction Reference Points and the completion of a review of and updates to Guidance Documents. She reported that efforts to increase communications to licensees are ongoing.

Ms. Tillman Wolf presented licensure statistics that included the following information:

Licensure Statistics – All Licenses

License	April 27, 2018	August 14, 2018	Change +/-
Physical Therapist	8,342	8,779	437
Physical Therapist Assistant	3,460	3,630	170
Total PT's and PTA's	11,802	12,409	607
Direct Access Certification	1,196	1,211	15

Ms. Tillman Wolf presented the PT Exam Statistics from July 24-25, 2018:

	# who took exam	# Passed	1 st time test takers	Repeat test takers	# Failed	1 st time testers	Repeat Test Takers
US Applicants	211	195	185	10	16	11	5
Non-CAPTE Applicants	6	2	2	0	4	0	4
Total	217	197	187	10	20	11	9

Ms. Tillman Wolf presented the PTA Exam Statistics from July 10, 2018:

	# who took exam	# Passed	1 st time test takers	Repeat test takers	# Failed	1 st time testers	Repeat Test Takers
US Applicants	144	114	107	7	30	22	8
Non-CAPTE Applicants	0	0	0	0	0	0	0
Total	144	114	107	7	30	22	8

Ms. Tillman Wolf announced that CAPTE has accredited Emory and Henry University's DPT Program effective June 1, 2018. She also announced that Northern Virginia Community College's PTA program had their accreditation reaffirmed in July 2018.

Ms. Tillman Wolf provided the following statistics regarding the Virginia Performs – Customer Satisfaction Survey Results:

- Q3 2017 – 100%
- Q4 2017 – 98.9%
- Q1 2018 – 97.3%
- Q2 2018 – 100%
- Q3 2018 – 86.8%
- Q4 2018 – 100%

Ms. Tillman Wolf announced that the customer satisfaction statistics from the FSBPT show that Virginia's statistics are above the national average at 91.3%.

Ms. Tillman Wolf thanked Ms. Schmidt for her dedication to the Board and offered her best wishes in the future.

The remaining Board meeting dates for 2018 are:

- November 13, 2018 – 9:30 a.m.

The Board meeting dates for 2019 are:

- February 19, 2019 – 9:30 a.m.
- May 16, 2019 – 9:30 a.m.
- August 13, 2019 – 9:30 a.m.
- November 12, 2019 – 9:30 a.m.

Ms. Tillman Wolf provided reminders to the Board members regarding changes in contact information.

With no further questions, Ms. Tillman Wolf concluded her report.

Discipline Report – Lynne Helmick, Deputy Executive Director

Ms. Helmick, Deputy Executive Director, reported on the current number of open cases, discipline statistics and Key Performance Measures.

As of August 10, 2018, Ms. Helmick reported the following disciplinary statistics:

- 51 total cases
 - 1 in Administrative Proceedings Division
 - 1 in Formal Hearing
 - 3 in Informal Conferences
 - 15 in Investigation
 - 30 in Probable Cause

Ms. Helmick reported updated information on Total Cases Received and Closed from Q3 and Q4 2018:

- Q1 2018 – 6/10
- Q2 2018 – 15/7
- Q3 2018 – 9/2
- Q4 2018 – 4/4

Ms. Helmick reported the following Virginia Performs statistics for Q3 2018:

- Clearance Rate – 0% Received 5 patient cases and closed 0 cases
- Pending Caseload over 250 days was at 28% which is over the 20% goal
- Cases closed within 250 days is 0% - 0 cases closed within 250 days (Goal is over 90%)

Ms. Helmick reported the following Virginia Performs statistics for Q4 2018:

- Clearance Rate – 75% Received 4 patient cases and closed 3 cases

- Pending Caseload over 250 days was at 32% which is over the 20% goal. It represented 11 cases.
- Cases closed within 250 days is 0% - 0 cases closed within 250 days (Goal is over 90%)

Ms. Helmick provided the following information regarding all cases:

- Percentage of all cases closed in 250 days

	Q4 – 2017	Q1 – 2018	Q2 – 2018	Q3 – 2018	Q4 - 2018
PT	44%	90%	100%	100%	90.5%
Agency	86.7%	82.2%	86.7%	87.6%	80.6%

- Average days to close a case

	Q4 – 2017	Q1 – 2018	Q2 – 2018	Q3 – 2018	Q4 – 2018
PT	291.3	239.4	112	152.5	412.8
Agency	194.1	255.7	186.5	196.4	201.1

Ms. Helmick provided information on the categories of cases adjudicated in Fiscal Year 2018:

- 9 cases total
 - 1 records fraud
 - 1 impairment
 - 2 out of state Orders
 - 3 CE audit cases
 - 1 confidentiality
 - 1 records (other)

With no further questions, Ms. Helmick concluded her report.

BOARD COUNSEL REPORT

Closed Meeting

Upon a **MOTION** by Dr. Dailey, and duly seconded by Dr. Adler, the Board voted to convene in a closed meeting pursuant to Section 2.2-3711(A)(7) of the *Code of Virginia* for consultation with legal counsel pertaining to actual or probable litigation. Additionally, she moved that Ms. Barrett, Ms. Tillman Wolf, Ms. Helmick, Ms. Georgen, Ms. Yeatts, Dr. Brown, and Dr. Allison-Bryan attend the closed meeting because their presence in the closed meeting is deemed necessary and would aid the Board in its consideration of the topic. The motion passed unanimously.

Reconvene

Upon a **MOTION** by Dr. Dailey, and duly seconded by Dr. Locke, it was certified that the matters discussed in the preceding closed session met the requirements of Section 2.2-3712 of the *Code of Virginia* and the Board reconvened in open session. The motion passed unanimously.

COMMITTEE AND BOARD MEMBER REPORTS

Board of Health Professions Report – Allen R. Jones, Jr., PT, DPT

Dr. Jones noted that the minutes of the Board of Health Professions were included in the agenda packet. Upon a **MOTION** by Ms. Schmidt, duly seconded by Dr. Dailey, the Board accepted Dr. Jones' report.

Reports from FSBPT Regulatory Training, Leadership Issues Forum – Elizabeth Locke, PT, PhD, Mira Mariano, PT, PhD, Allen R. Jones, Jr., PT, DPT, Arkena L. Dailey, PT, DPT

Dr. Locke and Dr. Mariano provided their takeaways from the FSBPT Regulatory Training meeting.

Dr. Dailey and Dr. Jones provided their takeaways from the FSBPT Leadership Issues Forum meeting.

LEGISLATION AND REGULATORY ACTIONS

Ms. Yeatts provided a brief overview of the status of current regulations.

Ms. Yeatts reported that Guidance Document 112-9: Guidance on Dry Needling in the Practice of Physical Therapy, is not currently on the board's website, but had not been formally repealed by the Board. Board counsel had previously advised that it should be removed. Ms. Barrett clarified that the removal of the guidance document would not alter the Board's ability to take disciplinary action, as the Board has general statutory authority relating to practitioner competence and patient safety.

Upon a **MOTION** by Dr. Adler, and properly seconded by Ms. Schmidt, the Board voted repeal Guidance Document 112-9: Guidance on Dry Needling in the Practice of Physical Therapy. The motion passed unanimously.

BREAK

The Board took a break at 11:35 a.m. and returned at 11:44 a.m.

NEW BUSINESS

Election of Officers

The Board members received nomination forms from Dr. Dailey and Dr. Adler for the position of President, and Dr. Locke for the position of Vice-President. There were no additional nominations from the floor.

Upon a **MOTION** by Ms. Palmer, and properly seconded by Dr. Dailey, the Board voted to elect Dr. Locke as Vice-President for the Board.

Upon a **MOTION** by Dr. Locke, and properly seconded by Ms. Palmer, the Board included Dr. Dailey and Dr. Adler on the ballot as President for the Board.

Dr. Jones called for a voice vote for Dr. Dailey as President of the Board. Dr. Jones noted that five votes were provided for Dr. Dailey (Mariano, Jones, Dailey, Locke and Palmer).

Dr. Jones called for a voice vote for Dr. Adler as President of the Board. Dr. Jones noted that two votes were provided for Dr. Adler (Adler and Schmidt).

Upon a **MOTION** by Dr. Locke, and properly seconded by Ms. Palmer, the Board voted to elect Dr. Dailey as President for the Board. The motion passed 5-2.

RECOGNITION OF SERVICE

Dr. Jones presented Ms. Schmidt with a plaque to recognize her service and dedication to the Board of Physical Therapy. He thanked her for all of her hard work and wished her well on her future endeavors.

NEXT MEETING

The next meeting date is November 13, 2018.

ADJOURNMENT

With all business concluded, the meeting adjourned at 12:01 p.m.

Arkena L. Dailey, PT, DPT, Board President

Corie Tillman Wolf, J.D., Executive Director

Date

Date